

REMARKS

Claims 21-22, 25, 31-38 and 40-41 are pending in the present application, claims 23-24, 26-37, and 39 having been cancelled herein without prejudice or disclaimer, and claims 40 and 41 having been added. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

The Examiner is thanked for the consideration shown during the personal interview on October 7, 2008. This amendment is provided in accordance with the discussions during that interview.

Claims 23-24, and 27-29 were rejected under 35 U.S.C. §112, first paragraph. Applicant has cancelled these claims, rendering this rejection moot.

The drawings were objected to because the subject matter of claims 22-25, 27-29, 31-33 and 35 was not shown. A new figure 4 has been added to show the open end of the guide tracks according to another embodiment of the present invention, as recited in new claim 41, and the specification has been amended accordingly. A new figure 5 has been added, to show the second brake means 12 of claims 33 and 34, and the specification has been amended accordingly.

With respect to claim 22, the specification has been amended to refer to make clear that the elements 2 of Figs. 1 and 2, can be either cables, rods or bars. During the interview, the Examiner agreed that a separate drawing showing rods

was unnecessary because the figures 1 and 2 show the elements 2 schematically, such that they can be either cables, rods or bars.

With respect to claim 31, the Office Action does not state which subject matter of the claim is asserted to be not shown in the drawings. Applicant respectfully submits that all of the claimed subject matter is shown. To the extent that claim 31 recites the means for moving that is also recited in claim 25, Applicant assumes that it is this subject matter that the Examiner believes is missing from the drawings. However, with respect to claim 25 and this portion of claim 31, the means for moving the person is shown, according to one embodiment as the chute 18 in Fig. 3. Page 6 of the specification also discloses that the means for moving can comprise a conveyor belt type means. This means is not shown. However, Applicant respectfully submits that the it is unnecessary to shown this embodiment, since one example of the means for moving is shown in the drawings.

With respect to claim 32, the Office Action does not state which subject matter of the claim is asserted to be not shown in the drawings. Applicant respectfully submits that the guiding tracks 1, harness 7, and the first braking means 10 are shown in Fig. 1. The magnetic or magnetizable part coupled to the harness is not shown. However, Applicant respectfully submits that a specific drawing of this part is unnecessary for the understanding of the invention. Upon reviewing the drawings and specification as a whole, one of ordinary skill in the art would

understand how to make the harness having the claimed magnetic or magnetizable part.

With respect to claims 35-36 and 38, Applicant respectfully submits that adding a figure showing a fire truck is unnecessary for an understanding of the invention. During the interview, this was discussed, and the Examiner indicated Applicant did not have to add a fire truck to the drawings.

With respect to claim 37, Applicant notes that the tensioning means as disclosed on page 4, lines 27-31, can be reels. The reels are shown schematically as securing means 6. During the interview, this was discussed, and the Examiner indicated Applicant did not have to add a specific showing of the reels to the drawings.

In light of these comments and amendments, withdrawal of this objection is respectfully requested.

Claims 20-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 538,735 to Lewis. Claims 20-21, 25, 26, 37, and 39 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 3,861,318 to Massa in view of U.S. Patent No. 5,660,113 to Lehotsky. Claims 27-30 were rejected under 35 U.S.C. § 103 as being unpatentable over Massa in view of U.S. Patent No. 4,314,511 to Borgren. Claims 23-24 were rejected under 35 U.S.C. § 103 as being unpatentable over Massa in view of Lehotsky and Borgren. Claims 35 and 37 was rejected under 35 U.S.C. § 103 as being unpatentable over Lewis in view of U.S.

Patent No. 4,122,917 to Kendrick. Claim 36 was rejected under 35 U.S.C. § 103 as being unpatentable over Lewis in view of U.S. Patent No. 4,386,680 to Reed. Claims 20-21, 23-24, 26-30 and 39 have been cancelled, rendering these rejections moot.

Claims 22-25 and 27-32 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 4,660,677 to Hunter. Claims 31-34 (as set forth in the Office Action, page 3) were also rejected as being unpatentable over Hunter. These rejections are respectfully traversed for the following reasons.

Claim 31 recites a rescue arrangement for effecting a rapid descent from an elevated structure from higher level, to a lower level, the rescue arrangement comprising guiding tracks which substantially extend with a steep angle between the higher level and the lower level, a harness which is connectable with the guiding tracks to be attached to a single person for carrying the person in a guided fall from the higher level to the lower level via the guiding tracks, first braking means located at the guiding tracks near the lower level for slowing down and/or stopping the harness near the lower level, and means, connected to the guiding tracks, for moving the person away automatically from the guiding tracks after the harness has been released from the guiding tracks or the person is released from the harness. Claim 32 recites a rescue arrangement for effecting a rapid descent from an elevated structure from a higher level to a lower level, the rescue arrangement comprising guiding tracks which substantially extend with a steep angle between the higher level and the lower level, a harness to be worn by a person, which harness is connectable with

the guiding tracks for carrying the person in a guided fall from the higher level to the lower level via the guiding tracks, wherein a magnetic or magnetizable part is coupled to the harness, first braking means located at the guiding tracks near the lower level for slowing down and/or stopping the harness near the lower level, the first braking means comprising magnetic means for inducing a braking force on the harness when the magnetic or magnetizable part coupled to the harness passes the magnetic means at the guiding tracks. This is not taught, disclosed or made obvious by the prior art of record.

Hunter shows a personnel evacuation apparatus for an offshore platform. A survival vessel (14) can slide of a ramp (12) which is connected to an offshore platform by a gimbal. Hunter does not disclose a harness for a single person's use, nor does it disclose guiding tracks which substantially extend with a steep angle between the upper and lower levels.

Moreover, the Examiner states that this known evacuation apparatus would obviously be provided with magnetic braking means by a person skilled in the art. Applicant respectfully disagrees. One of ordinary skill in the art would not want to decelerate a survival vessel sliding from a ramp of a platform in trouble. The whole idea of Hunter, as would be understood by one of ordinary skill in the art is that the survival vessel gains as much velocity as possible to get away as far as possible from the offshore platform (see for instance Hunter, column 4, lines 19-30).

Furthermore, Applicant notes that in Hunter, the ramp is disclosed to be positioned at an angle of about 30 degrees with the surface of the ocean and that the ramp at the lower end has a bend such that the vessel exits more flush with the surface of the ocean. See Col. 4, lines 19-23. Under these circumstances, the velocity that will be gained by the survival vessel is not sufficiently high that braking would be necessary at all. Hunter himself does not indicate that braking is necessary in any way. In view of the purpose of the rescue vessel (*i.e.*, getting away from the offshore platform over the water surface as quickly as possible) it is not plausible that a skilled person would consider providing braking means at all, let alone *magnetic* braking means, on the guide track to decelerate the rescue vessel.

During the interview, the Examiner argued that the means for moving recited in claim 31 was taught or made obvious by Hunter, in the boat undoubtedly included a motor, which would correspond to the claimed means for moving. Claim 31 now recites that the means for moving are connected to the guiding tracks. In particular, this refers in one embodiment, to the chute shown in Fig. 3. Applicant respectfully submits that, even assuming, for the sake of argument only, the Examiner's assertion of obviousness is correct, the so-disclosed motor is not connected to the guiding tracks, and therefore does not correspond to Applicant's claimed means.

The Examiner further argued that claims 20 and 22-33 are obvious in view of Trinkle. Again the Examiner used the argument that using conventional

magnetic means in a known system would be obvious to the person skilled in the art.

Applicant respectfully disagrees. The question is, however, why would a person skilled in the art be motivated to provide braking means to the rail (6) in Trinkle, when the floats (14), which move through a rail (6) by means of rollers (16) are all connected to a life line (12), which is rolled off a drum (8). The drum is provided with a band brake (9) by which the rotation of the drum, and therefore the speed of movement of the line (12) along the rail (6), can be slowed. Further, Trinkle shows a guiding track (on boom 3) which does not have a steep angle. It is thus not necessary to provide the track (6) with braking means for braking the floats (14). Therefore, Applicant respectfully submits that a person skilled in the art departing from Trinkle would not contemplate, without more, that he could use a brake on the track instead of a brake on the drum and on a track that is not steep. Further, one of ordinary skill would not have been motivated to use a braking means which was formed from a magnetic means for stopping the harness in its downward descent in accordance with the present claimed invention.

For at least this reason, Applicant respectfully submits that claims 31 and 32 would not have been obvious in view of Hunter or Trinkle.

According to the Examiner claims 20, 21, 25, 26, 37 and 39 are obvious in view of a combination of Massa and Lehotsky. Claims 20 and 21 having cancelled, the rejection is moot. However, to advance prosecution, Applicant will respond to the Examiner's arguments to the extent that they may apply to the amended claims.

In particular, the Examiner alleged that to provide the arrangement with conventional magnetic braking means would be obvious. It is noted that Massa and Lehotsky relate to skiing cable systems that are considered to be a remote field from the field of rescue arrangements. The skiing arrangements have guiding cables with only a slight downward angle, where no braking means (Lehotsky) or mechanical flaps (Massa) are provided. This is contrary to a rescue arrangement, where a track with a steep angle, which can even be vertical, is used to move people as quickly as possible along the track so as to increase the capacity. The use of magnetic brakes is not disclosed in any prior art document relating to rescue arrangements for high rise buildings.

For at least these reasons, Applicant respectfully submits that claims 31-32 are patentable over the prior art of record whether taken alone or in combination as proposed in the Office Action.

Claims 21-22, 25, 33-38 and 40 depend from and include the limitations of claims 31 or 32. Claims 21-22, 25, 33-38 and 40 are believed to be patentable in and of themselves, and for the reasons discussed above with respect to claims 31-32.

New claim 41 is based on the amended claim 32, with the following additional features: (1) at the upper end of the guiding tracks, a storage for storing harnesses is provided; (2) a number of harnesses are provided in the storage; (3) a connecting section is provided at the upper end of the tracks where the harnesses worn by persons can be connected to the guiding tracks; and (4) the lower end of the

tracks have an open end such that the connecting means can slide of the tracks at the lower end such that the harness is automatically released from the guiding tracks.

These features are all found in the description of the present application.

These additional features are not shown nor suggested by the prior art at record. These features in combination with the magnetic breaking means provide a rescue system with an increase of the capacity with regard to any of the prior art systems, *i.e.*, the ability to to evacuate a large number of people in a limited time by means of individual harnesses for each person is not shown nor achieved in any of the prior art documents.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

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Respectfully submitted,

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